

1 AARON D. FORD  
2 Attorney General  
3 AUSTIN BARNUM (Bar No. 15174)  
Senior Deputy Attorney General  
4 LEO T. HENDGES (Bar No. 16034)  
Deputy Attorney General  
State of Nevada  
Office of the Attorney General  
5 555 E. Washington Ave., Ste. 3900  
Las Vegas, Nevada 89101  
6 (702) 486-0661 (phone)  
(702) 486-3795 (phone)  
7 (702) 486-3773 (fax)  
Email: abarnum@ag.nv.gov  
8 Email: lhendges@ag.nv.gov

9 *Attorneys for Defendants*  
Rashonda Smith and  
10 Douglas Thrasher

11 UNITED STATES DISTRICT COURT

12 DISTRICT OF NEVADA

13 LAUSTEVEION JOHNSON,

Case No. 2:17-cv-01121-APG-EJY

14 Plaintiff,

15 vs.

16 DAVID WILLIS, et al.,

DEFENDANTS' MOTION FOR  
EXTENSION OF TIME TO FILE  
MOTIONS IN LIMINE  
(First Request)

17 Defendants.

18  
19 Defendants Rashonda Smith (Smith) and Douglas Thrasher (Thrasher), by and  
20 through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Austin T.  
21 Barnum, Senior Deputy Attorney General, and Leo T. Hedges, Deputy Attorney General,  
22 hereby move this Court for an Extension of Time to File Motions In Limine concerning  
23 Plaintiff's proposed exhibit list, First Request.

24 MEMORANDUM OF POINTS AND AUTHORITIES

25 I. FACTUAL ANALYSIS

26 This is an inmate civil rights action brought pursuant to 42 U.S.C. §1983.  
27 Lausteveion Johnson (Johnson) is an inmate lawfully in the custody of the Nevada

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1 Department of Corrections (“NDOC”), currently housed at Northern Nevada Correctional  
2 Center (NNCC).

3 At the Master Trial Scheduling Conference held on August 2, 2022, this Court  
4 ordered the parties to file Motions in Limine on or before August 12, 2022. ECF No. 121.  
5 Following that hearing, Johnson filed a proposed exhibit list consisting of thirty-nine (39)  
6 exhibits. ECF No. 124. Defendants have filed a Motion for Exclusionary Sanctions, seeking  
7 to have thirty-one (31) of those exhibits excluded from trial. ECF No. 126. Because these  
8 exhibits would be excluded by an Order of the Court granting the Motion for Exclusionary  
9 Sanctions, to preserve judicial economy Defendants submit this First Request for an  
10 Extension of Time to file Motions in Limine concerning Johnson’s proposed exhibit list.  
11 Johnson does not stipulate to the requested extension. Ex. A (Declaration of attorney Leo T.  
12 Hedges).

13 **II. LEGAL STANDARD**

14 Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides as  
15 follows:

16 When an act may or must be done within a specified time, the  
17 court may, for good cause, extend the time: (A) with or without  
18 motion or notice if the court acts, or if a request is made, before  
the original time or its extension expires; or (B) on motion made  
after the time has expired if the party failed to act because of  
excusable neglect.

19 Defendants’ request is timely and will not hinder or prejudice Johnson’s case as trial  
20 is set to begin October 31, leaving ample time for Defendants to file Motions in Limine if  
21 the exclusionary sanctions are denied. Johnson has also been made aware of Defendants’  
22 intentions to object to the exhibits not found on the Joint Pre-Trial Order, and will not be  
23 taken by surprise or ambushed by any delay. See Ex. A.

24 Good cause exists to grant Defendants an extension of time to file Motions in Limine  
25 concerning Johnson’s proposed exhibit list because such filings would become moot if this  
26 Court grants Defendants Motion for Exclusionary Sanctions. Judicial economy is also  
27 served by granting the first requested extension of time, as this avoids the possibility of  
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1 time and resources being wasted by the parties and court staff on thirty-one (31) Motions  
2 in Limine that are currently due by August 12, 2022.

3 **III. CONCLUSION**

4 Based on the foregoing, Defendants respectfully request that their Motion for an  
5 Extension of Time (first request) be granted. Defendants respectfully request that the  
6 deadline for Motions in Limine concerning Johnson's proposed exhibit list be extended to  
7 fourteen (14) days after this Court's Order on the Motion for Exclusionary Sanctions (ECF  
8 No. 126), if necessary.

9 **IV. LIST OF EXHIBITS**

10 Ex A – Declaration of attorney Leo T. Hedges.

11 DATED this 10th day of August, 2022.

12 AARON D. FORD  
13 Attorney General

14 By: /s/ Leo T. Hedges  
15 LEO T. HENDGES (Bar No. 16034)  
16 Deputy Attorney General

17  
18  
19 *Attorneys for Defendants*

20 IT IS SO ORDERED:

21 Dated: August 11, 2022

22   
23 ANDREW P. GORDON  
24 UNITED STATES DISTRICT JUDGE